

The PETITION and COMPLAINT of poor William Dowie Prisoner in Canongate Tolbooth,

Humbly sheweth,



THAT being incarcerate within this Tolbooth near three Years ago, by George Gordon Writer in *Edinburgh*, as Indorsee to a Bill resting by me to *Bell Merchant in Leeds*, granted in my Minority, on Account of some Dealing twixt me and him, I did sometime thereafter apply to the Baillie of the *Canongate*, for the Benefit of the Statute in Favours of insolvent Debtors, who found me entitled to it, and modified an Aliment to be paid me by the *Canongate* within ten Days after Sentence, or else to be let at Liberty.

As I had no other Fund for paying my Creditors, than what might arise from my Industry, I applied to him frequently for my Liberty, on any Conditions he could ask, and in my Power to grant, but could not prevail on him to liberate me. He continued resolved to aliment me in Prison, and by my long Confinement my Health is so much impaired, that I am not able to take Care of myself; and should my Stay be much longer, it will certainly end my Days in Misery, and this my lamentable Condition is owing to the rigid Usage of my Creditor, and the great Straits I have been reduced to ever since my Confinement; the Aliment modified to me being no more than Three pence *per diem*; but upon Application about 3 or 4 Months ago, to the Baillie of the *Canongate*, my Aliment was augmented to Sixpence each Day.

Being thus confined, and not at Liberty to look after my own Affairs, a Suspension of this last Sentence was stole out: However, the Augmentation and melancholly Condition of my Circumstances being laid before Mr. *Bell*, it did operate so strong on him, that he ordered Mr. *Gordon*, who only acted as his Trustee, to consent to my Liberation, which he hath accordingly done, by a Writing under his Hand; notwithstanding whereof, I'm so far from reaping any Advantage by that Consent, that I'm under greater Hardships than before, the Aliment is stopt upon the Creditors consenting to my Liberation, and now, I am still detain'd Prisoner by the Keeper of the Tolbooth, who refuses to let me at Liberty, unless Payment be made him of a large Sum as Prison Dues, which I humbly apprehend is not only contrary to Law, but also contrary to the Meaning of the aforesaid Sentence, which I think is, That how soon the Aliment is denied, I should be set at Liberty. For if, in Cases of this Kind, Jailors are intitled to retain poor Prisoners on Account of bygone Prison Dues, it is certain, That that Mercy which the Law intended to indigent Prisoners, must, in every Case, be eluded, since it cannot be supposed, that a poor Prisoner, who has not wherewithal to procure the common Necessaries of Life, is able to defray the heavy Dues of a long Imprisonment, which in the present Case, where my Confinement has been near three Years, has swell'd up to a vast Sum.

In any Event, the Jailor cannot be considered in any other Capacity, than as a common Creditor; and therefore, if, as such, he insist to detain me in Prison, for Payment of his Debt, it must be on such Terms as would be competent to other Creditors, that is, by paying a suitable Aliment; since 'tis impossible your Lordships can be of Opinion, that because of these Debts, an indigent Debtor must starve and die in Prison; and so your Lordships found, in a Question betwixt the Keeper of the Tolbooth of *Edinburgh*, and poor *Charles Hay*; and in another Question, of the same Nature, betwixt that Keeper and poor *John Rattray*: So that 'tis surprizing, this Keeper should make so much Difficulty about the Matter, and oblige me to apply to your Lordships for Relief.

May it therefore please your Lordships, to appoint *Purdie, Keeper of the said Tolbooth*, to be served with a Copy of this Complaint, and to answer the same peremptorily against such a Day as your Lordships shall please appoint, and upon advising thereof, with, or without Answers, to find, That having obtain'd my Creditors Consent of Liberation, and thereupon the Aliment being stopt, I cannot be detain'd in Prison on Account of the Keeper's Fees; and therefore to grant Warrant for my immediate Liberation; at least, that if such Detention is competent, it ought to be with the Burden of a suitable Aliment, not only for myself, but also (considering the present State of my Health) for some Body to attend and take Care of me, being very incapable to do it myself; and in that Case, to ordain the Aliment to be paid up from the Time it was stopt, and to continue the same in Time coming.

According to Justice, &c.

CH. SINCLAIR.